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International Chemical Workers Union Council/United Food and Commercial Workers, Local 619C (Cabot Corporation) and David Cameron and Walter Reigner. Cases 4-CB-9611 and 4-CB-9612

July 18, 2006

DECISION AND ORDER

BY CHAIRMAN BATTISTA AND MEMBERS LIEBMAN
AND SCHAUMBER

The General Counsel seeks a default judgment in these cases on the ground that the Respondent has failed to file an answer to the consolidated complaint. Upon charges and amended charges filed on December 19, 2005 and February 8, 2006, respectively, by David Cameron in Case 4-CB-9611 and by Walter Reigner in Case 4-CB-9612, the General Counsel issued the consolidated complaint on April 19, 2006, against International Chemical Workers Union Council/United Food and Commercial Workers, Local 619C (the Respondent), alleging that it has violated Section 8(b)(1)(A) of the Act. The Respondent failed to file an answer.

On June 8, 2006, the General Counsel filed a corrected Motion for Default Judgment with the Board. Thereafter, on June 9, 2006, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent filed no response.¹ The allegations in the motion are therefore undisputed.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on Motion for Default Judgment

Section 102.20 of the Board's Rules and Regulations provides that the allegations in a complaint shall be deemed admitted if an answer is not filed within 14 days from service of the complaint, unless good cause is shown. In addition, the consolidated complaint affirmatively stated that unless an answer was filed by May 3, 2006, all the allegations in the complaint could be found to be true. Subsequently, the Region granted the Respondent an extension of time until May 12, 2006, to file its answer. Further, the undisputed allegations in the General Counsel's motion disclose that the Region, by letter dated May 25, 2006, notified the Respondent that

unless an answer was received by June 1, 2006, a motion for default judgment would be filed.

In the absence of good cause being shown for the failure to file a timely answer, we grant the General Counsel's corrected motion for default judgment.

On the entire record, the Board makes the following

FINDINGS OF FACT

I. JURISDICTION

At all material times, Cabot Corporation (Cabot), a Delaware corporation with a facility in Boyertown, Pennsylvania (the plant), has been engaged in the manufacture of chemicals and performance materials.

During the 12-month period preceding issuance of the complaint, Cabot, in conducting its business operations described above, sold and shipped goods valued in excess of \$50,000 directly to points outside the Commonwealth of Pennsylvania.

At all material times, Cabot has been an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

At all material times, the Respondent, International Chemical Workers Union Council/United Food and Commercial Workers, Local 619C has been a labor organization within the meaning of Section 2(5) of the Act.

II. ALLEGED UNFAIR LABOR PRACTICES

At all material times, Charles Wise has been the president of the Respondent and an agent of the Respondent within the meaning of Section 2(13) and Section 8(b) of the Act.

From on or about June 20, 2005 to on or about November 18, 2005, certain of Cabot's employees engaged in a strike and picketing at the plant.

On several occasions during the period from June 1 through September 30, 2005, the Respondent, by Charles Wise at the Respondent's meetings at the Keystone Fire Company, the Gablesville Athletic Association, and at the Respondent's strike headquarters near the plant, told employees that they would lose their jobs if they crossed the picket line to return to work.

During the period from June 1 through September 30, 2005, the Respondent posted at its strike headquarters near the plant a document containing the following statement:

If you are thinking about crossing the line remember this; if we win an unfair labor practice and you crossed the line YOU will be looking for a job for you will not be working for "scabot" and maybe not any union shop!

¹ The Charging Parties filed a statement in support of the General Counsel's motion.

CONCLUSION OF LAW

By the conduct described above, the Respondent restrained and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(b)(1)(A) of the Act. The Respondent's unfair labor practices affect commerce within the meaning of Section 2(6) and (7) of the Act.

REMEDY

Having found that the Respondent has engaged in certain unfair labor practices, we shall order it to cease and desist and to take certain affirmative action designed to effectuate the policies of the Act. Specifically, we shall order the Respondent to post a notice to employees and members.

ORDER

The National Labor Relations Board orders that the Respondent, International Chemical Workers Union Council/United Food and Commercial Workers, Local 619C, its officers, agents, and representatives, shall

1. Cease and desist from

(a) Threatening employees that they would lose their jobs if they crossed the picket line to return to work.

(b) In any like or related manner restraining or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Within 14 days after service by the Region, post at its business offices and meeting places copies of the attached notice marked "Appendix."² Copies of the notice, on forms provided by the Regional Director for Region 4, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees and members are customarily posted. Reasonable steps shall be taken by the Respondent to ensure that the notices are not altered, defaced, or covered by any other material.

(b) Within 14 days after service by the Region, sign and return to the Regional Director for Region 4 sufficient copies of the notice for posting by Cabot Corporation, if willing, at all places where notices to employees are customarily posted.

(c) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a re-

sponsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C. July 18, 2006

Robert J. Battista, Chairman

Wilma B. Liebman, Member

Peter C. Schaumber, Member

(SEAL) NATIONAL LABOR RELATIONS BOARD

APPENDIX

NOTICE TO EMPLOYEES AND MEMBERS

POSTED BY ORDER OF THE

NATIONAL LABOR RELATIONS BOARD

An Agency of the United States Government

The National Labor Relations Board has found that we violated Federal labor law and has ordered us to post and obey this notice.

FEDERAL LAW GIVES YOU THE RIGHT TO

Form, join or assist a union

Choose representatives to bargain on your behalf with your employer

Act together with other employees for your benefit and protection

Choose not to engage in any of these protected activities.

WE WILL NOT threaten you that you will lose your jobs if you cross the picket line to return to work.

WE WILL NOT in any like or related manner restrain or coerce you in the exercise of the rights guaranteed you by Section 7 of the Act.

INTERNATIONAL CHEMICAL WORKERS UNION
COUNCIL/UNITED FOOD AND COMMERCIAL
WORKERS, LOCAL 619C

² If this Order is enforced by a judgment of a United States court of appeals, the words in the notice reading "Posted by Order of the National Labor Relations Board" shall read "Posted Pursuant to a Judgment of the United States Court of Appeals Enforcing an Order of the National Labor Relations Board."